

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ARANDELL CORPORATION, *et al.*,

Plaintiffs,

v.

ORDER

07-cv-076-wmc

XCEL ENERGY INC., *et al.*,

Defendants.

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NEWPAGE WISCONSIN SYSTEM INC., *et al.*,

Plaintiffs,

v.

09-cv-240-wmc

CMS ENERGY RESOURCE MANAGEMENT  
COMPANY, *et al.*,

Defendant.

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These two cases were recently remanded from an MDL court. While in the MDL court, these cases were consolidated and a number of the defendants were terminated, either because the claims against them were settled or for other reasons. In an effort to clean up the captions and the lengthy list of attorneys receiving cm/ecf notices, the court proposes the following actions. Any objections to these actions or requests for additional modifications should be submitted on or before November 12, 2019..

**1. Consolidation**

Consistent with the cases' treatment in the MDL court, the court will consolidate these two cases. The parties only should file in the 07-cv-076 matter, and the submissions will be automatically spread to the 09-cv-240 case.

## 2. Removal of parties

Based on plaintiffs' filing of a "list of parties in Wisconsin actions" ('076 dkt. #143-1; '240 dkt. #40-1), the court intends to terminate the following defendants and will also remove the attorneys associated only with those defendants (and not associated with any active defendants) from the list of attorneys receiving cm/ecf notices:

- Aep Energy Services, Inc. ('076 action)
- American Electric Power Company, Inc. ('076 action)
- Centerpoint Energy, Inc. ('076 action)
- CenterPoint Energy Services, Inc. ('240 action)
- Cms Marketing Services & Trading Company ('076 action)
- Coral Energy Resources, L.P. (both actions)
- Duke Energy Carolinas, LLC ('076 action)
- Duke Energy Corporation ('076 action)
- Duke Energy Trading and Marketing, L.L.C. (both actions)
- Dynegy Inc. ('076 action)
- El Paso Corporation (both actions)
- El Paso Marketing, L.P. (both actions)
- El Paso Merchant Energy, L.P. ('076 action)
- Reliant Energy, Inc. (both actions)
- Reliant Resources, Inc. ('076 action)
- Reliance Energy Services, Inc. (both actions)
- Williams Power Company, Inc. (both actions)

- Williams Energy Marketing & Trading ('076 action)

For the '076 case in particular, some of these defendants have similar names as active defendants, e.g., Cms Marketing Services & Trading Company, Dynegy, Inc., etc. If these entities should remain in the case, the parties should request that the court modify the name of the defendant rather than terminate it.

In addition to cleaning up the list of defendants, the court also notes that the '076 case lists Safety-kleen Systems, Inc. as a plaintiff, but this name does *not* appear on the list provided by plaintiffs. As such, the court proposes terminating Safety-kleen Systems, Inc. as a plaintiff.

### **3. Discrepancies between the captions and plaintiff's list**

In reviewing plaintiffs' list of parties in Wisconsin actions, the court notes that Cantera Resources, Inc. is *not* listed as a defendant on either of the two cases. The parties should alert the court if it should be added as a defendant, and if so, provide support from the MDL case for this addition, and also indicate on which case (or cases) it should be added.<sup>1</sup>

Moreover, plaintiffs list Briggs & Stratton Corporation, Carthage College and Ladish Co., Inc. as plaintiffs, but none of these entities are listed as plaintiffs in either case. Here, too, the parties should alert the court if they should be added as plaintiffs,

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<sup>1</sup> This raises a related question as to whether there should be complete overlap of the defendants on both cases. The court notes that there are a number of defendants that only appear in one caption. Absent direction from the parties, the court will not add defendants to the respective captions.

provide support for adding these parties, and also indicate on which case (or cases) they should be added.

#### **4. Miscellaneous**

In an effort to clean up the captions generally, the court intends to take the following actions absent any objections from the parties:

- Remove the second listing for CMS Energy Corporation ('076 case)
- Change “Dynergy Gp Inc Dmt Holding Lp” to “Dynergy GP Inc.” ('076 case)<sup>2</sup>
- Change “DMT G.Pg. L.L.C.” to “DMT G.P. L.L.C.” ('240 case)

Entered this 4<sup>th</sup> day of November, 2019.

BY THE COURT:

/s/

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STEPHEN L. CROCKER  
Magistrate Judge

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<sup>2</sup> This entity could also be DMT G.P. L.L.C.